

PENELOPE A. PREVOLOS (CA SBN 87607)
(PPreovolos@mofo.com)
ANDREW D. MUHLBACH (CA SBN 175694)
(AMuhlbach@mofo.com)
STUART C. PLUNKETT (CA SBN 187971)
(SPlunkett@mofo.com)
HEATHER A. MOSER (CA SBN 212686)
(HMoser@mofo.com)
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522

E-FILED - 5/31/11

Attorneys for Defendant
APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re Apple and AT&T iPad Unlimited Data Plan
Litigation

ALL CONSOLIDATED ACTIONS

Case Nos. 5:10-cv-02553 RMW

CLASS ACTION

**STIPULATION AND []
ORDER FOR CONSOLIDATION**

The Hon. Ronald M. Whyte

Master Consolidated Complaint filed:
December 10, 2010

1 WHEREAS, *Weisblatt et. al v. Apple Inc. et al.* (N.D. Cal. Case No. 5:10-cv-02553-
2 RMW) (the “*Weisblatt*” action) was filed on June 9, 2010;

3 WHEREAS, *Logan v. Apple Inc. et. al.* (N. D. Cal. Case No. 5:10-cv-02588-RMW) (the
4 “*Logan*” action) was filed on June 11, 2010;

5 WHEREAS, *Osetek v. Apple Inc.* (N.D. Cal. Case No. 5:10-cv-04253-RMW) (the
6 “*Osetek*” action) was filed on September 20, 2010;

7 WHEREAS, on December 15, 2010, this Court entered an Order consolidating the
8 *Weisblatt*, *Logan*, and *Osetek* actions for all purposes pursuant to Federal Rule of Civil Procedure
9 42 (ECF No. 66);

10 WHEREAS, on January 25, 2011, this Court entered Case Management Order No. 1,
11 which “govern[s] and control[s] all procedures and proceedings in the...consolidated actions and
12 any related actions which may be made part of these consolidated proceedings.” (ECF No. 79)
13 (“CMO No. 1”);

14 WHEREAS, Plaintiff Aaron Friedman filed *Friedman v. Apple Inc. et al.* (the “*Friedman*
15 action”) on November 22, 2010 in the Southern District of California;

16 WHEREAS, the *Friedman* action was assigned to Judge Sammartino as Case No. 3:10-
17 cv-02403-JSL-POR.

18 WHEREAS, the *Friedman* action raises factual and legal issues similar to those raised in
19 the above-captioned consolidated action, against the same defendants on behalf of overlapping
20 putative classes;

21 WHEREAS, in light of the similarity of factual and legal issues, plaintiff Friedman and
22 Apple filed a Joint Motion to Transfer the *Friedman* action to the Northern District of California;

23 WHEREAS, on April 18, 2011, Judge Sammartino granted the parties’ Joint Motion to
24 Transfer, and ordered the *Friedman* action to be transferred to the San Jose Division of the United
25 States District Court for the Northern District of California to be coordinated and consolidated
26 with the above-captioned consolidated action for all pretrial and trial proceedings;

27 WHEREAS, on April 19, 2011, the *Friedman* action was assigned to Judge Ronald M.
28 Whyte as Case No. 5:11-cv-01875-RMW;

1 WHEREAS the *Friedman* action and the above-captioned consolidated action arise from
 2 the same circumstances and allegations, involve common questions of law and fact, and are both
 3 currently pending before this Court;

4 WHEREAS counsel for plaintiff Friedman, for plaintiffs in the above-captioned
 5 consolidated action, and for Apple have conferred and agree that consolidation of the *Friedman*
 6 action with the above-captioned consolidated action is proper;

7 Plaintiffs in the *Friedman* and above-captioned action and defendant Apple, by and
 8 through their respective counsel, hereby stipulate that the *Friedman* action shall be consolidated
 9 with the above-captioned consolidated action for all purposes pursuant to Fed. R. Civ. P. 42(a)
 10 and constitutes a "Later Filed Case" subject to terms of CMO No. 1.

11 IT IS SO STIPULATED.

12
 13 Dated: May 9, 2011

MICHAEL W. SOBOL
 ROGER N. HELLER
 ALLISON ELGART
 LIEFF, CABRASER, HEIMANN &
 BERNSTEIN, LLP

17 By: /s/ Michael W. Sobol
 MICHAEL W. SOBOL

18
 19 Attorneys for Plaintiffs

20 Dated: May 9, 2011

PENELOPE A. PREOVOLOS
 ANDREW D. MUHLBACH
 STUART C. PLUNKETT
 HEATHER A. MOSER
 MORRISON & FOERSTER LLP

24 By: /s/ Penelope A. Preovolos
 PENELOPE A. PREOVOLOS

25
 26 Attorneys for Defendant
 APPLE INC.

1 Dated: May 9, 2011

GAYLE M. BLATT
CASEY, GERRY, SCHENK,
FRANCAVILLA, BLATT & PENFIELD LLP

2
3
4 By: /s/ Gayle M. Blatt
GAYLE M. BLATT

5 Attorneys for Plaintiff
6 AARON FRIEDMAN
7

8 I, Penelope A. Preovolos, am the ECF User whose ID and password are being used to file
9 this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on
10 file the concurrences for any signatures indicated by a "conformed" signature (/s/) within this
11 efiled document.

12 By: /s/ Penelope A. Preovolos
13 Penelope A. Preovolos
14
15

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.

17 Date: 5/31/11

18 
19 Hon. Ronald M. Whyte
United States District Judge
20
21
22
23
24
25
26
27
28